

TITLE 1: GOVERNMENT AND ADMINISTRATION

DIVISION 7: PROJECT REVIEW

CHAPTER 1: Project Review Commission.

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17.011 Definitions.

- (a) "Authority" means the Industrial Development Authority of the County of San Bernardino.
- (b) "Board," depending upon the context in which used, means the Board of Supervisors of the County of San Bernardino acting as such or as the governing body of some other entity.
- (c) "Commission" means the Project Review Commission created and functioning pursuant to this Division.
- (d) "County" means the County of San Bernardino.
- (e) "Improvement Project" means a project for construction or acquisition of infrastructure such as roads, sewers, and/or water systems or other public improvements financed pursuant to the provisions of the 1911 Act, the 1913 Act, the 1915 Act, and includes New Development Improvement Projects where applicable.
- (f) "Industrial Project" means all projects or proposals which are referred to the Commission by the Industrial Development Authority of the County of San Bernardino to be evaluated by the Commission pursuant to this Division.
- (g) "Investigation Act of 1931" means the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 set forth in Division 7 of the California Streets and Highways Code (commencing with Section 2800 thereof), as amended.
- (h) "1911 Act" means the Improvement Act of 1911 set forth in Division 7 of the California Streets and Highways Code (commencing with Section 5000 thereof), as amended.
- (i) "1915 Act" means the Improvement Bond Act of 1915 set forth in Division 10 of the California Streets and Highways Code (commencing with Section 8500 thereof), as amended.
- (j) "1913 Act" means the Municipal Improvement Act of 1913 set forth in Division 12 of the California Streets and Highways Code (commencing with Section 101300 thereof), as amended.
- (k) "Redevelopment Agency" means the Redevelopment Agency of the County of San Bernardino.
- (l) "Redevelopment Project" means any project or proposal which is referred to the Commission by the Redevelopment Agency of the County of San Bernardino to be evaluated by the Commission pursuant to this Division. Unless the particular provision or the context requires otherwise, the foregoing definitions shall govern the construction of this Division.
- (m) "New Development Improvement Project" means Improvement Projects proposed for the purpose of subdividing or otherwise developing unimproved land, except Improvement Projects conducted by a special district where based upon a showing of community support.

Admended Ordinance 1919 (1974); Amended Ordinance 2799 (1983); Amended Ordinanecd 3121 (1987);

17.012 Projects Within Policy.

Unless specifically excepted herefrom, the following projects shall be subject to the proceedings set forth in this Division and shall be presented to the Commission as set forth in Section 17.013:

- (a) Any Improvement Project initiated by the Board of Supervisors, including those Improvement Projects initiated by property owner petitions;
- (b) Any Improvement Project proposed by a special district governed by the Board;
- (c) Any Improvement Project proposed by a city, a self-governed special district, or any other independent entity for which project the consent of the Board is required;
- (d) An Industrial Project;
- (e) A Redevelopment Project.

Admended Ordinance 1919 (1974); Amended Ordinance 2799 (1983); Amended Ordinanecd 3121 (1987);

17.013 Project Review Commission.

- (a) The Board hereby creates the Project Review Commission for the purpose of assuring that each project is reviewed by appropriate County staff. The Commission shall be made up of one representative from each of the following County departments, agencies or offices, appointed by the head of such department, agency, or office:

- (1) Administrative Office
- (2) Department of Transportation and Flood Control

- (3) Environmental Health Services Department
- (4) Land Management Department
- (5) Office of Special Districts
- (6) Assessor
- (7) Treasurer
- (8) Auditor/Controller-Recorder
- (9) Housing and Community Development Department
- (10) Redevelopment Agency of the County of San Bernardino
- (b) The Administrative Office shall chair the meetings of the Commission.
- (c) Each representative shall have one vote in the determination of any matter considered by the Commission.
- (d) The County Counsel or an assistant or deputy county counsel or other attorney designated by the County Counsel shall meet with and participate in the discussions of the Commission but shall not have a vote in the determination of any matter considered by the Commission.
- (e) The Commission shall review all projects referred to it to determine whether the policies set forth and incorporated in this Division have been satisfied. Commission review shall take place prior to presentation of such projects to the Board. Whenever any such project is presented to the Board, it shall be accompanied by a report containing the findings, determinations, and recommendation of the Commission made in respect to such project.
- (f) All documentation required for Commission review of a project shall be submitted to the County Administrative Office at least thirty (30) days prior to the expected date of Commission review.

Admended Ordinance 1979 (1974); Amended Ordinance 2799 (1983); Amended Ordinanecd 3121 (1987);

17.014 Project Administration.

- (a) All proceedings for Improvement Projects or New Development Improvement Projects of the County shall be conducted in the name of the County. All proceedings of Board-governed special districts with assessment powers shall be conducted in the name of the district. Proceedings for special districts without assessment power or regulated public utilities may be conducted in the name of the County.
- (b) Proceedings for Redevelopment Projects shall be conducted in accordance with applicable law and administered by the Redevelopment Agency.
- (c) Proceedings for Industrial Projects shall be conducted in accordance with applicable law and administered by the Authority.
- (d) Upon completion of any project whose construction was conducted by the County for another entity, all improvements constructed as a part of such project, and the obligations for maintenance of such improvements, shall be transferred to the entity for whom the project construction was conducted or administered.
- (e) All funds deposited or allocated for the construction of an Improvement Project or entity conducting the proceeding under Section 17.014(a) subject to this Division shall be administered by the County or entity conducting the proceeding under Section 17.014(a) utilizing a working capital fund or funds. Any residual funds shall be deposited to the credit of the entity for which the project has been constructed or in accordance with any governing law which requires a different disposition of such funds.
- (f) All construction and funding records for projects administered by the County shall be retained by the conducting entity under Section 17.014(a) acting as custodian for the entity for whom the project is administered.
- (g) The County Administrative Officer shall designate the appropriate County department, office, or agency to administer the review and carrying out of any Improvement Project which is subject to this Division.
- (h) The administering departments and the County Counsel or other retained legal counsel shall develop standardized forms of resolutions, schedules, applications and other required documents for project proceedings. Documents prepared in respect to each such proceeding shall be reviewed by County Counsel for legal adequacy and the documents shall then be forwarded to the Board, Authority, or Redevelopment Agency for appropriate action.

Admended Ordinance 1919 (1974); Amended Ordinance 2799 (1983); Amended Ordinanecd 3121 (1987);

17.015 Assessment District Liability.

- (a) Indemnification and Hold Harmless: In each case in which a proceeding for an Improvement Project or New Development Improvement Project conducted by the County for an entity other than the County, such entity shall agree to hold the County harmless and to indemnify the County for any loss suffered or liability incurred on account of such proceeding or project.
- (b) Contingent Liability: Except with the specific approval of the Board of Supervisors, the County shall elect against contingent liability on any Improvement Project.

Admended Ordinance 1919 (1974); Amended Ordinance 2799 (1983); Amended Ordinanecd 3121 (1987);

17.016 General Review Criteria.

(a) In its review of any project, the Commission shall determine whether or not the proposed project conforms to applicable criteria established by an entity of competent jurisdiction with respect to the following:

- (1) Land use zoning
- (2) General or specific plan directories, constraints, or prohibitions
- (3) Waste disposal -- including, as pertinent, wastewater, solid waste and hazardous waste disposal.
- (4) Availability of public utilities
- (5) Availability of requisite public and governmental services such as police, fire, hospital, emergency medical, and flood control.
- (6) Air quality maintenance
- (7) Building and Safety Standards
- (8) Protection of the Environment
- (9) Land Values. In reviewing a proposed Improvement Project, the Board will consider (a) the present value of the land and (b) the estimated value subsequent to the completion of the proposed improvements when determining the economic feasibility of the project.
- (10) Compliance with applicable federal, state and local enabling acts and regulations.
- (11) Responsibility for operations and maintenance cost.

(b) With respect to Industrial and Redevelopment Projects, the determinations related to criteria numbered (9) and (10) shall be made by the Economic Development Commission and the Redevelopment Agency respectively.

(c) The review required by Subsection (a) of this Section is in addition to such further and different review as may be required by other provisions of this Division or by other applicable law or regulation.

(d) As to all required review, the Commission shall include in its report to the Board as required by Section 17.013(e), findings and determinations regarding compliance of the project with the criteria set forth or referred to in this section.

Admended Ordinance 1919 (1974); Amended Ordinance 2799 (1983); Amended Ordinanecd 3121 (1987);

17.017 New Development Improvement Project Criteria.

The following criteria also shall apply to New Development Improvement Projects:

(a) Type of Development. Proposals for assessment district financing shall be considered for commercial, industrial and residential development.

(b) Type of Improvement. Proposal must be for construction, installation, or acquisition of the following backbone facilities, including, but not limited to: Master Plan of Highways designated routes, street lights, water and/or sewer trunk lines, Flood Control facilities, and/or regional drainage facilities and any other facilities as allowed by law. Nonbackbone or arterial facilities will be considered on a case-by-case basis by the project review committee.

(c) Minimum Underwriting Standards.

(1) The provisions of Section 17.015 shall apply.

(2) Property value assessment lien ratio. A minimum average 3-1 property value to total assessment ratio lien generally shall be required, as determined by County approved appraisal. Property value means value measured following completion of all project improvements financed pursuant to this chapter.

(3) Other Security Enhancements. Upon recommendation of County staff and advisors, additional security enhancement may be required, such as:

- (a) Guarantees
- (b) Letter of Credit
- (c) Municipal Bond Insurance
- (d) Additional Bond Reserves.

Security enhancement must be considered when proposed average property value to total assessment lien is not considered sufficient by County staff and advisors under 9(c)(2) above, that is when the minimum average property value to total assessment lien is less than three-to-one.

Amended Ordinance 1919 (1974); Amended Ordinance 3121 (1987);